

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

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Amendment of Section 73.202(b),

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FM Table of Allotments,

)

MM Docket No. 98-74

FM Broadcast Stations.

)

RM-9269

(Eatonville, Wenatchee, Moses Lake,

)

RM-9736

LIVED

Spokane, and Newport, Washington)

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**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: October 18, 2000****Released: October 27, 2000**

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a *Notice of Proposed Rule Making and Order to Show Cause*, 13 FCC Rcd 12076 (1998), issued at the request of Barbara J. Geesman ("Petitioner"), licensee of Station KKBV-FM, Channel 285A, Eatonville, Washington, proposing the substitution of Channel 285C3 for Channel 285A at Eatonville, and the modification of Station KKBV's license accordingly. To accommodate the upgrade, petitioner also requested the substitution of Channel 262C2 for Channel 285C2 at Wenatchee, Washington, and the modification of Station KKRK's license accordingly, and the substitution of Channel 285C1 for Channel 262C1 at Moses Lake, Washington, and the modification of Station KWIQ's license accordingly.

2. Pioneer Broadcasting Company, Inc, former licensee<sup>1</sup> of Stations KKRK and KWIQ, responded by filing a joint counterproposal with Upper Columbia Media Association, licensee of Station KEEH, Spokane, Washington, and James and Helen Stargel, licensee of Station KMJY, Newport, Washington. This joint counterproposal proposed, instead of the Eatonville allotment, the substitution of Channel 262C for Channel 262C1 at Moses Lake, Washington, and a modification of Station KWIQ's license accordingly, the substitution of Channel 283C3 for Channel 285A at Newport, Washington, and the modification of Station KMJY's license accordingly, and the substitution of Channel 285C2 for Channel 284A at Spokane, Washington, and the modification of Station KEEH's license accordingly. Jeffrey Aaron Bruton filed comments opposing petitioner's proposal and proposing instead the allotment of Channel 283C3 at Warden, Washington as the community's first local aural transmission service. Petitioner filed comments in support of its proposal, and asking that the joint counterproposal be denied.

3. On July 11, 2000, petitioner and all of the parties who filed comments in this proceeding filed joint supplemental comments which resolve all pending technical and legal conflicts among their various proposals. The parties ask that the Commission approve this settlement. This settlement entails the following amendments to the FM Table of Allotments: 1) substitute Channel 284C2 for Channel 285C2 at Wenatchee, Washington, and modify Station KKRK's license at its present site; 2) substitute Channel 285C3 for Channel 285A at Eatonville, Washington, and modify Station KFNK's license at its present site; 3) substitute Channel 262C for Channel 262C1 at Moses Lake, Washington, and modify Station KWIQ's license at present site; 4) substitute Channel 285C2 for Channel 284A at Spokane, Washington, and

<sup>1</sup> Morris Communications is the current licensee of Stations KKRK and KWIQ.

modify Station KEEH's license at its present site; 5) substitute Channel 283C3 for Channel 285A at Newport, Washington, and modify Station KMJY's license at its present site. The final component of the settlement is that Jeffrey Aaron Bruton withdraws his comment and counterproposal with prejudice. Each party includes a certification in compliance with Section 1.420 of the rules.

4. A Commission engineering analysis shows that the proposed allotments in the settlement comply with our rules and can be granted. We note that since Eatonville, Wenatchee, Spokane and Newport are within 320 kilometers (200 miles) of the U.S.-Canadian border, we have requested concurrence of the Canadian government for the allotments at those communities. Concurrence has been received for Eatonville and Spokane. Concurrence for the allotment at Wenatchee has been requested but not yet received. This allotment requires Canadian concurrence as a specially negotiated short -spaced allotment since it will be short-spaced to Channel 284C at Kelowna, British Columbia. We note that the allotment will be limited to 44kW ERP and 150m HAAT along the 0° azimuth towards Channel 284C\* in Kelowna, BC. In addition, any construction permit that is granted prior to the receipt of formal concurrence of the Canadian Government, the construction permit will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing if specifically objected to by Industry Canada. This condition will be removed once formal approval for the allotment is received from Industry Canada."

5. Therefore, the following channels can be allotted at their respective communities consistent with the minimum distance separation requirements of Section 73.207(b) and the principal community coverage requirements of Section 73.315(a) of the Commission's Rules. We will substitute 1) Channel 284C2 for Channel 285C2 at Wenatchee, Washington, and modify Station KKRK's license at its present site 10.2 kilometers (6.3 miles) northeast of the community; 2) Channel 285C3 for Channel 285A at Eatonville, Washington, and modify Station KFNK's license at its present site 6.4 kilometers (4 miles) southeast of the community; 3) Channel 262C for Channel 262C1 at Moses Lake, Washington, and modify Station KWIQ's license at its present site 42.1 kilometers (26.2 miles) north of the community; 4) Channel 285C2 for Channel 284A at Spokane, Washington, and modify Station KEEH's license at its present site 13.1 kilometers (8.2 miles) southeast of the community; 5) Channel 283C3 for Channel 285A at Newport, Washington, and modify Station KMJY's license at its present site 2.2 kilometers (1.4 miles) southeast of the community.<sup>2</sup>

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 11, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Wenatchee, Washington	271C, 284C2
Eatonville, Washington	285C3
Moses Lake, Washington	257A, 262C

<sup>2</sup> The coordinates for Channel 284C2 at Wenatchee are 47-28-44 NL and 120-12-49 WL; the coordinates for Channel 285C3 at Eatonville are 46-50-19 NL and 122-11-53 WL; the coordinates for Channel 262C at Moses Lake are 47-29-20 NL and 119-26-45 WL; the coordinates for Channel 285C2 at Spokane are 47-34-45 NL and 117-17-48 WL; the coordinates for Channel 283C3 at Newport are 48-09-37 NL and 117-01-49 WL.

Spokane, Washington	225C, 229C, 245C3, 251C, 255C, 260C, 280C2, 285C2, 289C, 300C
Newport, Washington	283C3

7. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Morris Communications, licensee of Stations KKRK and KWIQ, IS MODIFIED to specify operation on Channel 285C2 in lieu of Channel 284C2, and Channel 262C in lieu of Channel 262C1, respectively, the license of Barbara J. Geesman, licensee of Station KKBK-FM, Eatonville, Washington is modified to specify operation on Channel 285C3 in lieu of Channel 285A, the license of Upper Columbia Media Association, licensee of Station, KEEH, Spokane, Washington is modified to specify Channel 285C2 in lieu of Channel 284A, and the license of James and Helen Stargel, licensee of Station KMJY, Newport, Washington is modified to specify Channel 283C3 in lieu of Channel 285A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

8. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(m), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Morris Communications, licensee of Station KWIQ, Barbara J. Geesman, licensee of Station KKBK-FM, Upper Columbia Media Association, licensee of Station, KEEH, and James and Helen Stargel, licensee of Station KMJY, are required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

9. IT IS FURTHER ORDERED That the counterproposal filed by Jeffrey Aaron Bruton IS DISMISSED.

10. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

11. For more information regarding this proceeding, contact Victoria M. McCauley, Mass Media Bureau (202) 418-2136. Questions related to the application filing process should be addressed to the Audio Services Division, Mass Media Bureau (202) 418-2700.

#### FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau